

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – July 16, 2020**

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Sweden Courtroom, 18 State Street, Brockport, New York on July 16, 2020, commencing at 6 p.m.

Members present: Kevin M. Johnson; Pauline Johnson; Mark Sealy, Pete Sharpe, Mary Ann Thorpe.

Also present: Nat. O. Lester, III, ZBA Counsel; Lyle Stirk, Code Enforcement Officer; William Bosley and Laura Perri.

Chairperson Thorpe called the meeting to order at 6 p.m. and asked everyone to say the Pledge of Allegiance and a moment of silence for our military, first responders, doctors, nurses, and everyone affected by the Covid-19 virus. Thank you.

Moved by Mrs. Pauline Johnson, **Seconded by** Mr. Kevin M. Johnson, that the minutes of July 9, 2020, be approved.

Vote: Chairperson Mary Ann Thorpe – Aye
Member Kevin M. Johnson – Aye
Member Pauline Johnson – Aye
Member Mark Sealy – Abstain
Member Peter Sharpe - Abstain

Motion carried.

Correspondence was passed to Members for review.
Congratulations to Mark Sealy for attending training as a new member.

Application of William Bosley, 8751 W. Canal Road, Brockport, New York, for an area variance for the existing front deck/porch, 8 ft. by 20 ft., located at 8751 W. Canal Road, Brockport, New York. The one-family house is pre-existing, nonconforming due to the front setback of 38 ft. *Town of Sweden Ordinance §175-36, Section D, (1), (c) (1), states the required front setback is 75 ft.* The property is owned by Laura M. Perri, tax account number 067.02-2-9.1.

8751 West Canal Road

Ms. Laura Perri addressed the Board and introduced William Bosley. They both apologized for being late.

Ms. Perri began with an apology for their ignorance in not obtaining a permit. She added for any future construction, they will check with the Town first to see if permits are required. As a result of their actions, the variance request is now self-created by not obtaining a permit prior to construction.

Regarding financial aspects, the construction of a new front porch will increase our home's value. The stairs were replaced in the first place because they were not safe. The stairs were falling apart, and the kids would trip and hurt themselves when leaving the house.

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In the beginning, the steps were just being replaced, but then it expanded into what is now there, not even thinking a variance would be needed for the front setback.

Chairperson Thorpe asked if the steps were constructed. Mr. Bosley stated just the porch as we were told to stop work and did so. The stairs are on the front lawn.

Mr. Sealy confirmed with Mr. Bosley from the pictures it looks like everything is done except for the stairs and the lattice.

Mrs. Perri added when the existing stairs were first removed, they found holes in the foundation. They installed a camera and discovered that skunks, groundhogs, and rodents were getting into the holes. The skunks were bad in that they had babies and would spray, which was under the area where the families' coats and backpacks were kept. Ms. Perri explained one terrible incident was when she had to go to school to get her daughter and all her belongings, which were put in a bag due to the skunk smell. Since the improvements were made, this is not a problem anymore. Thank goodness.

Mrs. Johnson asked about the gravel driveway to the west. Mr. Bosley stated that driveway is theirs. Her concern was whether the new porch would impact the sight of the neighbors, but when she drove by there are no neighbors. Mr. Bosley agreed and stated even at the corner of County Line Road, the deck cannot be seen.

Mrs. Johnson confirmed with Mr. Bosley that there are two driveways on the property. Mr. Bosley stated the driveway to the west was put in for the kids to avoid all the wet area they liked to four wheeling in and get so muddy. Mrs. Perri stated it was a useless part of the property. Chairperson Thorpe asked Mr. Stirk if he could help with the wet areas. Mr. Stirk stated he could look at maps to make sure there are no wetlands involved and see if he could offer some options.

Chairperson asked if there were any further questions.

Mr. Sealy asked if it would help to put the stairs on the side of the porch to avoid further encroachment on the front setback. Mr. Bosley stated that was considered, but the stairs would be so close to the driveway. Aesthetically, they would like to keep the steps on the front of the porch, but they are open to any ideas that would help with the granting of the variance.

The driveway is on the west side and the septic system is on the east side of the house.

Mrs. Johnson asked the Clerk if any neighbors called regarding the variance request. The Clerk stated no one called or stopped in.

Chairperson asked if there were any further questions. There were none.

Chairperson Thorpe closed the public hearing. The Board has 62 days to decide.

Mrs. Pauline Johnson offers the following resolution and moves for its adoption:

Having reviewed the application and Short Environmental Assessment Form of William Bosley for an area variance for the existing front deck/porch, 8 ft. by 20 ft., located at 8751 West Canal Road,

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Brockport, New York, will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Peter Sharpe, and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Member Kevin M. Johnson – Aye
Member Pauline Johnson – Aye
Member Mark Sealy – Aye
Member Peter Sharpe - Aye

Motion carried.

Mrs. Pauline Johnson offers the following resolution and moves for its adoption:

That the application of William Bosley to construct a front porch, 8 ft. by 20 ft., located at 8751 W. Canal Road, Brockport, New York. The one-family house is pre-existing, nonconforming due to the front setback of 38 ft., tax account number 067.02-2-9.1, *be approved* for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties as this house is pre-existing, nonconforming.
2. The benefits sought by the applicant cannot be achieved by another method.
3. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.
4. No one appeared against the application.
5. This variance is granted contingent upon that the application for a building permit is obtained and all associated fees paid within 30 days.

Discussion: Mrs. Johnson explained that the reason for the condition is that there is a fee for working without a permit and if that is not paid within 30 days, the variance is void. Counsel Lester confirmed.

Seconded by Mr. Peter Sharpe, and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Member Kevin M. Johnson – Aye
Member Pauline Johnson – Aye
Member Mark Sealy – Aye
Member Peter Sharpe - Aye

Motion carried. Application for area variance granted.

Mr. Bosley and Ms. Perri thanked the Board. The Board stated nice job on the porch!

The Board discussed availability for the WellNow Urgent Care use variance request for an additional sign. The Board agreed on August 6.

The meeting was adjourned by motion at 7:30 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk